

## **EXHIBIT 3**

# BakerHostetler

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August 15, 2013

Leah Larsen

REDACTED

Blk Cheema  
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Re: *Securities Investor Protection Corporation v. Bernard L. Madoff Investment Securities LLC* ("BLMIS"), 08-1789 (BRL)

Dear Ms. Larsen,

We are counsel to Irving H. Picard, Trustee for the substantively consolidated Securities Investor Protection Act ("SIPA") liquidation proceedings of Bernard L. Madoff Investment Securities LLC and the estate of Bernard L. Madoff. We are writing to you regarding your objection (Docket Number 3854) filed on February 15, 2011 in the aforementioned case in response to the Trustee's determination of your claim (claim number 013192).

At the time that you filed your objection, you were not represented by counsel, and the Trustee has received no information suggesting that you now are represented by counsel. This is why the Trustee is writing to you directly. The Trustee takes no position as to whether you should or should not be represented by counsel for purposes of your objection or the requests made in this letter.

On June 28, 2011, the Bankruptcy Court for the Southern District of New York issued a decision affirming the Trustee's denial of in excess of 1,400 claims that did not have accounts with BLMIS, but instead invested in certain funds (referred to as "feeder funds"). *Sec. Investor Prot. Corp. v. Bernard L. Madoff Inv. Sec. LLC*, 454 B.R. 285, 292 (Bankr. S.D.N.Y. 2011), *aff'd sub nom, Aozora Bank Ltd. v. Sec. Investor Prot. Corp.*, 480 B.R. 117 (S.D.N.Y. 2012), *aff'd sub nom, Kruse v. Sec. Investor Prot. Corp. (In re Bernard L. Madoff Inv. Sec. LLC)*, 708 F.3d 422 (2d Cir. 2013). There were no petitions for *certiorari* to the Supreme Court of the United States. Copies of these decisions are enclosed herewith for your reference.

As the Trustee advised you in the Notice of Determination dated December 17, 2010, to which you objected, you did not invest directly with BLMIS and did not maintain a

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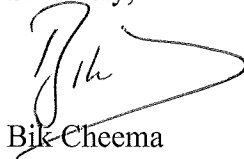
BLMIS account in your name. In order to resolve your claim objection, we require the following discovery, under the Federal Rules of Bankruptcy Procedure, from you.

Upon completion of discovery, the Trustee's staff will review all information submitted, and the Trustee may initiate proceedings to resolve your claim objection where necessary. The Trustee has not obtained hearing dates for such future proceedings and such proceedings may take a significant amount of time given the review of voluminous discovery. These proceedings are dependent on requesting such dates from the Bankruptcy Court. You will be notified in advance of any hearing on your claim objection. **As part of this discovery, please provide the documents and information requested in Exhibits 1, 2, and 3, enclosed. For this purpose, references to "accountholder" mean David Moskowitz, holder of BLMIS account number 1ZA178.**

To the extent that you do not participate in discovery, the Trustee's position will be that you may be barred in future claims objections proceedings. Whether you may participate in future claims proceedings on your claim objection will be left to the sound discretion of the Bankruptcy Court. In order for your objection to be processed, it is imperative that we receive your responses. Please send your responses to me at the address contained herein, within thirty-five (35) days of the date of this letter, by September 19, 2013.

If you intend to withdraw your objection, please contact me. For all other questions, please email [madoffclaimsdiscovery@bakerlaw.com](mailto:madoffclaimsdiscovery@bakerlaw.com). Any communication should include the question, your claim number and the email or U.S. mail address for the response. Someone will respond as promptly as possible.

Sincerely,



Bik Cheema



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**Exhibit 2: Interrogatories****Please answer the following questions:**

1. Identify each person who first introduced you to BLMIS by name, telephone number, address and affiliation to you.

Avellino & Bienes in 1992 told us only that they had a technical paperwork problem. We never knew Madoff was the one supposedly investing until December, 2008, when he confessed.

Jack Luberg my brother David's ex-father in law deceased, was best friends with Ruth Madoff's father. he'd been investing with Avellino & Bienes for 17 years in the 80's - I had an account with them & when they were closed, they sent a letter suggesting Madoff & I think

2. Identify all documents concerning how you came to invest in the account holder through which you invested in BLMIS, including how you learned of or became aware of the account holder and how you came to invest.

Madoff raised his minimum investment, but he encouraged people to chip in together. In 2007, I put money in David's account & he signed something saying the money was mine. I never had an account with him.

3. Identify all documents that describe how you made investments or deposits in connection with the account, including, but not limited to, the process for making such investments or deposits, the person and/or entity to whom such investments or deposits were sent, and the method for making such investments or deposits.

I made 2 deposits - one in 2007 & one in 2008 that totalled \$100,000. They were bank checks signed by me & cashed by Madoff - made out to BLMIS & I requested they be deposited in David's account.

4. Identify all documents that describe how payments were made to you in connection with the account, including, but not limited to, the process for requesting or receiving such payments and the person and/or entity to whom such requests were made or from whom such payments were received, and the method of receipt.

No payments were made to me. I'd left the money in.

5. Identify all documents concerning any other BLMIS account in which you allege to have a claim. For each BLMIS account in which you allege to have a claim, identify all person(s) who performed any due diligence or provided any advice, opinion, commentary, or analysis of BLMIS to you or on your behalf, and identify all documents that you reviewed before opening and investing in the account.

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My brothers,  
Peter &  
David made  
inquiries  
from time  
to time  
& spoke to me  
Peter especially  
with SIFE before,  
I believe, as well  
as after & also  
with BLMIS.  
They both had  
accounts  
aside from the  
one I shared  
with David

I have no claim for a previous account  
I believe I withdrew the Buellino & Bienes  
money deposited with Madoff not long after  
it was opened, to lend the money to my  
daughter.

6. Identify all persons at BLMIS with whom you had any communications, and identify all documents concerning the substance of those communications, including which (if any) BLMIS account such communications related to.

7. Identify each person who had control over the accountholder and/or authority to exercise discretion with respect to the assets or investments of accountholder.

no one but me, while my money was  
supposedly in the account.

8. Identify each person who received direct payments from BLMIS in connection with the account, and identify all documents concerning the method(s) by which such payments were made, including from whom such payments were sent.

No one received any payment because,  
except for \$5,000 or so, all the money  
in the account when I invested was  
mine.

9. Identify each person associated with the accountholder who had a direct understanding or agreement with BLMIS with respect to the assets or investments of the accountholder.

Me only, at the time I invested, I believe  
the \$5,000 was David's.

10. Identify all documents concerning meetings you attended where an employee or representative of BLMIS was present, and identify all documents that describe the substance of the communications that occurred during each meeting.

None.



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11. Identify any and all banks where you hold or have held accounts from the date the BLMIS account you invested in was opened, through the present, and for each bank account, identify all documents evidencing the account number, the date the account was opened, and the date the account was closed.

*This is private financial information not relevant to my claim - you already have all relevant records re two checks I deposited which Madoff cashed.*

12. Identify any and all banks where the accountholder holds or has held accounts from the date the BLMIS account you invested in was opened, through the present, and for each bank account, identify all documents evidencing the account number, the date the account was opened, and the date the account was closed.

*Not relevant to my claim as he never withdrew any money while my money was in the account*

13. Identify all documents or other evidence that would reflect an agreement between you and the accountholder.

*Our written agreement. Attached I've also attached copies of both bank checks cashed by Madoff.*

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**Exhibit 3: Requests for Admission**

**Please respond with “admit” or “deny” to the following statements where applicable:**

1. Admit the BLMIS account that is the subject of your objection was not titled in your name.

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2. Admit you did not have an account in your name at BLMIS.

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3. Admit you never received correspondence directly from BLMIS.

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4. Admit you never deposited securities directly with BLMIS.

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5. Admit you never made a payment of cash directly to BLMIS for credit to an account in your name.

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6. Admit you never withdrew funds directly from BLMIS.

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7. Admit that any funds you received were transmitted to you from the accountholder.

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8. Admit you did not receive investment statements from BLMIS in your name.

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9. Admit you did not receive tax statements from BLMIS in your name.

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10. Admit you never entered into any contracts in your name with BLMIS.

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- 11.** Admit your only relationship to BLMIS existed by way of your relationship to the accountholder.

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- 12.** Admit you did not have any control, investment discretion or decision-making power over any investment assets at BLMIS.
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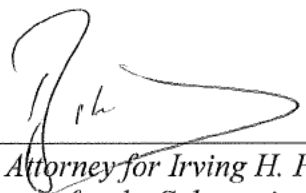


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**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing Requests for Production of Documents, Interrogatories, Requests for Admission and accompanying letter relating to the objection to the Trustee's determination of claim number 013192 (Case No. 08-01789, Docket No. 3854) was served this 15th day of August, 2013 by First Class Certified Mail upon the following:

Leah Larsen  
**REDACTED**



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*An Attorney for Irving H. Picard,  
Trustee for the Substantively  
Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment  
Securities LLC and the Estate of  
Bernard L. Madoff*

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